

UNOFFICIAL VERSION

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THURSDAY, FEBRUARY 16, 2017

TENTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker McNally.

PRAYER

The proceedings were opened with prayer by Pastor David Evans of the Tennessee Baptist Convention in Brentwood, Tennessee, a guest of Senator Roberts.

PLEDGE OF ALLEGIANCE

Senator Roberts led the Senate in the Pledge of Allegiance to the Flag.

SALUTE TO THE FLAG OF TENNESSEE

Senator Roberts led the Senate in the Salute to the Flag of Tennessee.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--33.

STANDING COMMITTEE REPORTS

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 64, 73, 75, 76 with amendment, 80, 82, 89, 94, 95, 96, 99, 103, 107, 110 and 111.

BELL, Chairperson
February 15, 2017

The Speaker announced that he had referred Senate Bills Nos. 64, 73, 75, 76 with amendment, 80, 82, 89, 94, 95, 96, 99, 103, 107, 110 and 111 to the Committee on Calendar.

HEALTH AND WELFARE

MR. SPEAKER: Your Committee on Health and Welfare begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 199 with amendment and 369; Senate Joint Resolution No. 16; and House Joint Resolutions Nos. 35 and 70.

CROWE, Chairperson
February 15, 2017

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The Speaker announced that he had referred Senate Bills Nos. 199 with amendment and 369; Senate Joint Resolution No.16; and House Joint Resolutions Nos. 35 and 70 to the Committee on Calendar.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 34, 394 and 399 with amendment.

GRESHAM, Chairperson
February 15, 2017

The Speaker announced that he had referred Senate Bills Nos. 34, 394 and 399 with amendment to the Committee on Calendar.

SUBCOMMITTEE APPOINTMENT

Pursuant to Rule 83(3), Senator Yager appointed the following subcommittees to the Committee on State and Local Government:

VETERANS SUBCOMMITTEE

Norris (R), Chairperson; Briggs (R) and Gardenhire (R).

CORRECTIONS SUBCOMMITTEE

Jackson (R), Chairperson; Bailey (R) and Yager (R).

LOTTERY CORPORATION OVERSIGHT COMMITTEE

Ketron (R), Chairperson; Johnson (R) and Yarbrow (D).

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 135 through 137** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 135 by Senator Gresham.
Memorials, Personal Occasion -- Jack and Imogene Fitts, 70th Wedding Anniversary.

Senate Joint Resolution No. 136 by Senator Haile.
Memorials, Professional Achievement -- Marty Stuart, 25th Anniversary as a member of the Grand Ole Opry.

Senate Joint Resolution No. 137 by Senator Southerland.
Memorials, Personal Achievement -- Ross Walker, Eagle Scout.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 126 and 127**; and **Senate Joint Resolutions Nos. 117 through 133** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 126 -- Memorials, Personal Achievement -- Will McClellan, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 126 to the Committee on Calendar.

House Joint Resolution No. 127 -- Memorials, Sports -- Tennessee Soccer Club's U18 girls team, United States Youth Soccer Association National Champions.

The Speaker announced that he had referred House Joint Resolution No. 127 to the Committee on Calendar.

Senate Joint Resolution No. 117 -- Memorials, Personal Occasion -- Porshia Rice Cutshall, 100th Birthday.

The Speaker announced that he had referred Senate Joint Resolution No. 117 to the Committee on Calendar.

Senate Joint Resolution No. 118 -- Memorials, Professional Achievement -- Natasha Henson, PreK-4 Hamblen County Teacher of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 118 to the Committee on Calendar.

Senate Joint Resolution No. 119 -- Memorials, Personal Achievement -- Samuel Van Amberg, Eagle Scout.

The Speaker announced that he had referred Senate Joint Resolution No. 119 to the Committee on Calendar.

Senate Joint Resolution No. 120 -- Memorials, Personal Achievement -- Alexander Wayne Couch, Eagle Scout.

The Speaker announced that he had referred Senate Joint Resolution No. 120 to the Committee on Calendar.

Senate Joint Resolution No. 121 -- Memorials, Personal Achievement -- Jordan Taylor Lister, Eagle Scout.

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The Speaker announced that he had referred Senate Joint Resolution No. 121 to the Committee on Calendar.

Senate Joint Resolution No. 122 -- Memorials, Professional Achievement -- Sarah Cooper, Grades 5-8 Hamblen County Teacher of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 122 to the Committee on Calendar.

Senate Joint Resolution No. 123 -- General Assembly, Confirmation of Appointment -- Mike Edwards, State Board of Education.

The Speaker announced that he had referred Senate Joint Resolution No. 123 to the Committee on Education.

Senate Joint Resolution No. 124 -- General Assembly, Confirmation of Appointment -- Gordon Ferguson, State Board of Education.

The Speaker announced that he had referred Senate Joint Resolution No. 124 to the Committee on Education.

Senate Joint Resolution No. 125 -- General Assembly, Confirmation of Appointment -- Elissa Kim, State Board of Education.

The Speaker announced that he had referred Senate Joint Resolution No. 125 to the Committee on Education.

Senate Joint Resolution No. 126 -- Memorials, Personal Achievement -- Jordan Orazi, Eagle Scout.

The Speaker announced that he had referred Senate Joint Resolution No. 126 to the Committee on Calendar.

Senate Joint Resolution No. 127 -- Memorials, Personal Achievement -- Troy Phillips, Eagle Scout.

The Speaker announced that he had referred Senate Joint Resolution No. 127 to the Committee on Calendar.

Senate Joint Resolution No. 128 -- Memorials, Personal Achievement -- Cameron Moore, Eagle Scout.

The Speaker announced that he had referred Senate Joint Resolution No. 128 to the Committee on Calendar.

Senate Joint Resolution No. 129 -- Memorials, Personal Achievement -- Samuel Parker, Eagle Scout.

The Speaker announced that he had referred Senate Joint Resolution No. 129 to the Committee on Calendar.

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Senate Joint Resolution No. 130 -- Memorials, Death -- Danny Michael Moore.

The Speaker announced that he had referred Senate Joint Resolution No. 130 to the Committee on Calendar.

Senate Joint Resolution No. 131 -- Memorials, Personal Achievement -- Ashley Hawkins, 2017 Prudential Spirit of Community Award.

The Speaker announced that he had referred Senate Joint Resolution No. 131 to the Committee on Calendar.

Senate Joint Resolution No. 132 -- Memorials, Public Service -- Rachel M. Lee.

The Speaker announced that he had referred Senate Joint Resolution No. 132 to the Committee on Calendar.

Senate Joint Resolution No. 133 -- Memorials, Recognition -- Gracie Gipson, Miss Tennessee Teen America.

The Speaker announced that he had referred Senate Joint Resolution No. 133 to the Committee on Calendar.

CONSENT CALENDAR NO. 1

Objections having been raised, the following bill was placed first on the calendar for Thursday, February 16, 2017, pursuant to Rule 38: **Senate Joint Resolution No. 89**.

Senate Joint Resolution No. 87 -- Memorials, Recognition -- Frostee Freeze Drive-In, 60th Anniversary.

Senate Joint Resolution No. 90 -- Memorials, Retirement -- Martha Taylor.

Senate Joint Resolution No. 93 -- Memorials, Personal Achievement -- Carter DeSorbo, Eagle Scout.

Senate Joint Resolution No. 94 -- Memorials, Personal Achievement -- Ryan Kinnaley, Eagle Scout.

Senate Joint Resolution No. 95 -- Memorials, Personal Achievement -- Ryan Holm, Eagle Scout.

Senate Joint Resolution No. 96 -- Memorials, Recognition -- Eric and Christie Knight.

Senate Joint Resolution No. 97 -- Memorials, Retirement -- Kathy Sorrell.

Senate Joint Resolution No. 98 -- Memorials, Recognition -- Morgan County Bicentennial.

Senate Joint Resolution No. 99 -- Memorials, Death -- Martin Joseph Skinner, Sr.

Senate Joint Resolution No. 100 -- Memorials, Personal Achievement -- Jesse D. James, Eagle Scout.

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Senate Joint Resolution No. 101 -- Memorials, Recognition -- Commends Tennessee's food retailers, wholesalers, and manufacturers.

Senate Joint Resolution No. 102 -- Memorials, Professional Achievement -- Hannah Lane, Hamblen County Grades 9-12 Teacher of the Year.

Senate Joint Resolution No. 103 -- Memorials, Death -- Chief Master Sergeant Clyde Marion "Mike" Sellers.

Senate Joint Resolution No. 104 -- Memorials, Death -- J.C. Robinson.

Senate Joint Resolution No. 106 -- Memorials, Personal Occasion -- Edith Gurner, 100th Birthday.

Senate Joint Resolution No. 113 -- Memorials, Recognition -- The late Francis Marion "Frank" Hendley II, 100th Anniversary of birth.

Senate Joint Resolution No. 114 -- Memorials, Personal Occasion -- A.T. Gillahan, 100th Birthday.

Senate Joint Resolution No. 116 -- Memorials, Death -- B.K. Luna.

Senate Resolution No. 18 -- Memorials, Death -- James Robert Endress.

House Joint Resolution No. 91 -- Memorials, Heroism -- Officer Joseph Miranne, Officer Jason Berrios, and Officer Anthony Oliveto of The Port Authority of New York and New Jersey.

House Joint Resolution No. 93 -- Memorials, Retirement -- Beth Fortune.

House Joint Resolution No. 95 -- Memorials, Personal Achievement -- Michael Vogt, Eagle Scout.

House Joint Resolution No. 96 -- Memorials, Recognition -- Williams Sausage Company.

House Joint Resolution No. 97 -- Memorials, Recognition -- Anderson County Chamber of Commerce, 85th Anniversary.

House Joint Resolution No. 98 -- Memorials, Recognition -- V. Lynn Evans.

House Joint Resolution No. 99 -- Memorials, Death -- Sidney Norfleet Anthony, Jr.

House Joint Resolution No. 101 -- Memorials, Retirement -- Guy Wilkinson.

House Joint Resolution No. 102 -- Memorials, Death -- Wayne H. Justice.

House Joint Resolution No. 103 -- Memorials, Professional Achievement -- Dr. Donna L. Wright, 2016 Superintendent of the Year.

House Joint Resolution No. 105 -- Memorials, Recognition -- Morning Pointe Senior Living.

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Senator Massey moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbro and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 31 -- Constitutional Conventions -- As introduced, removes limitation on the number of delegates that may be appointed to a constitutional convention. Amends TCA Title 3, Chapter 18.

Senate Bill No. 281 -- Naming and Designating -- As introduced, establishes the month of April as "Tennessee Craft Beer and Cider Month." Amends TCA Title 4, Chapter 1, Part 4.

Senate Bill No. 314 -- Comptroller, State -- As introduced, clarifies that tax increment agencies need only file an annual statement of tax increment revenues allocated to the tax increment agency for active plans. Amends TCA Title 9, Chapter 23.

Senator Massey moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbro and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

CALENDAR

Senate Joint Resolution No. 89 -- Memorials, Death -- Officer Eric Mumaw, Metro Nashville Police Department.

Senate Joint Resolution No. 89 was adopted by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron,

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Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbro and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

Senate Joint Resolution No. 59 -- General Assembly, Statement of Intent or Position -- Urges President Donald J. Trump and Congress to distribute federal transportation funding to the states by block grant.

Senate Joint Resolution No. 59 was adopted by the following vote:

Ayes	30
Noes	2
Present, not voting . . .	1

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager and Mr. Speaker McNally--30.

Senators voting no were: Kyle and Yarbro--2.

Senator present and not voting was: Harris--1.

A motion to reconsider was tabled.

Senate Bill No. 125 -- Flags -- As introduced, makes the display of the P.O.W.-M.I.A. flag over the capitol on any day that the U.S. flag is flown over the capitol mandatory rather than permissive. Amends TCA Section 4-1-406 and Title 58, Chapter 4, Part 3.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 58-4-301, is amended by deleting the section in its entirety and substituting instead the following:

On days that neither house of the general assembly is in session, the P.O.W.-M.I.A. flag must be displayed over the state capitol in accordance with § 4-1-406(a), on any day the United States flag is displayed, in order to increase public awareness of the P.O.W.-M.I.A. issue and to gain public support for the efforts of the United States government to resolve this matter.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 125**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

Senate Bill No. 148 -- Taxes, Hotel/ Motel -- As introduced, authorizes the City of Millersville, by ordinance adopted by a two-thirds vote, to levy an occupancy tax of not more than 5 percent on the privilege of staying in any hotel or motel in Millersville; the ordinance must set forth the manner of collection and administration of the privilege tax; requires that all proceeds received by the municipality from the tax be used for tourism development. Amends TCA Section 67-4-1425.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in the amendatory language of Section 1 the language "five percent (5%)" and substituting instead the language "two and one-half percent (2.5%)".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 148**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 1
Present, not voting . . . 1

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--31.

Senator voting no was: Beavers--1.

Senator present and not voting was: Kyle--1.

A motion to reconsider was tabled.

Senator Harris moved that **Senate Bill No. 275** be placed on the Calendar for Thursday, February 23, 2017, which motion prevailed.

Senator Green moved that **Senate Bill No. 127**, as amended, be placed on the Calendar for Thursday, February 23, 2017, which motion prevailed.

RECALL OF BILL

On motion of Senator Kelsey, **Senate Bill No. 498** was recalled from the Committee on Judiciary.

WITHDRAWAL OF BILL

On motion of Senator Kelsey, Senate Bill No. 498 was withdrawn from the Senate.

MOTION

On motion of Senators Tracy and Crowe, their names were added as sponsors of **Senate Bill No. 34**.

On motion of Senators Crowe and Niceley, their names were added as sponsors of **Senate Bill No. 125**.

On motion of Senator Massey, her name was added as sponsor of **Senate Bill No. 199**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bill No. 298**.

On motion of Senator Harris, his name was added as sponsor of **Senate Bills Nos. 306 and 562; and House Joint Resolution No. 98**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 1258**.

On motion of Senator Bailey, his name was added as sponsor of **Senate Joint Resolution No. 59**.

On motion of Senators Dickerson, Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Gardenhire, Green, Gresham, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager and Mr. Speaker McNally, their names were added as sponsors of **Senate Joint Resolution No. 89**.

On motion of Senator Norris, his name was added as sponsor of **Senate Joint Resolution No. 101**.

On motion of Senators Harper and Yarbrough, their names were added as sponsors of **House Joint Resolution No. 93**.

On motion of Senator Stevens, his name was added as sponsor of **House Joint Resolution No. 96**.

On motion of Senators Yager and Mr. Speaker McNally, their names were added as sponsors of **House Joint Resolution No. 97**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 102 and 103**.

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ENGROSSED BILLS

February 16, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bills Nos. 31, 125, 148, 281 and 314; and Senate Joint Resolutions Nos. 59, 87, 89, 90, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 113, 114 and 116; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

MESSAGE FROM THE HOUSE

February 16, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 129, 130, 131 and 133; adopted, for the Senate's action.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

February 16, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 134, adopted, for the Senate's action.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

February 16, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 71, 72, 73, 74, 75, 79, 80, 81, 82, 84, 85, 86 and 134; concurred in by the House.

TAMMY LETZLER,
Chief Clerk

ENROLLED BILLS

February 16, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 71, 72, 73, 74, 75, 79, 80, 81, 82, 84, 85, 86 and 134; and Senate Resolution No. 18; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk

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MESSAGE FROM THE HOUSE

February 17, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 91, 93, 95, 96, 97, 98, 99, 101, 102, 103 and 105; for the signature of the Speaker.

TAMMY LETZLER,
Chief Clerk

SIGNED

February 17, 2017

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 71, 72, 73, 74, 75, 79, 80, 81, 82, 84, 85, 86 and 134; and Senate Resolution No. 18.

SIGNED

February 17, 2017

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 91, 93, 95, 96, 97, 98, 99, 101, 102, 103 and 105.

MESSAGE FROM THE HOUSE

February 17, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 71, 72, 73, 74, 75, 79, 80, 81, 82, 84, 85, 86 and 134; signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

REPORT OF DEPUTY CHIEF CLERK

February 17, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 68, 69, 71, 72, 73, 74, 75, 79, 80, 81, 82, 84, 85 and 86; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk

MESSAGE FROM THE GOVERNOR

February 16, 2017

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 49, 50, 51, 54, 55, 56, 58, 61, 29, 30, 31, 32, 33, 34, 63, 64, 65, 66 and 67; with his approval.

DWIGHT E. TARWATER,
Counsel to the Governor

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ADJOURNMENT

Senator Norris moved the Senate adjourn until 8:30 a.m., Thursday, February 23, 2017, which motion prevailed.